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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,555	11/20/2001	M. David Boothe	BOO001/0135818	1685

7590 11/13/2003

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,555

Applicant(s)

BOOTHE, M. DAVID

Examiner

Carlos Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to applicant's amendment filed on October 9, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 9-11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,078,917 to Recchione in view of US Pat No 426,389 to Lacey, US Pat No 6,076,867 to Dollmann et al (Dolmann) or in view of US Pat No 357,116 to Coultaus.

Recchione discloses a roll up door (22), arranged and designed to roll up and down in a vertical opening of a wall (43), having a springless latch mechanism (Figure 2).

The latch mechanism includes a latch plate (115) mounted on the roll up door, and a latch (118 and 119) mounted on the latch plate. The latch is arranged for horizontal movement between an open and a closed position by moving a locking piece (119) into and out of engagement with a slot (124) of the wall.

However, Recchione fails to disclose that a loop is connected directly to a hole in the latch.

Lacey teaches that is known in the art to have a sliding latch (A) with a hole and a loop directly connected to the loop (Figures 1 and 2).

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Also, Dollman teaches that is known in the art to have a sliding latch (11) with a hole (30) and a loop (29) directly connected to the loop.

And also, Coultaus teaches that is known in the art to have a sliding latch (A) with a hole and a loop (where pin d is located, Figures 2 and 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hole with a loop, as taught by Lacey, Dollman or Coultaus, into a device as described by Recchione, in order to help in the open movement of the latch.

4. **Claims 9-11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,930,563 to Finch et al (Finch) in view of US Pat No 426,389 to Lacey, US Pat No 6,076,867 to Dollman et al (Dolmann) or in view of US Pat No 357,116 to Coultaus.

Finch discloses a roll up door (120), arranged and designed to roll up and down in a vertical opening of a wall (162), having a springless latch mechanism (130,132,134 and 136).

The latch mechanism includes a latch plate (130) mounted on the roll up door, and a latch (132 and 134) mounted on the latch plate. The latch is arranged for horizontal movement between an open and a closed position by moving a locking piece (134) into and out of engagement with a slot (136) of the wall.

However, Finch fails to disclose that a loop is connected directly to a hole in the latch.

Lacey teaches that is known in the art to have a sliding latch (A) with a hole and a loop directly connected to the loop (Figures 1 and 2).

Also, Dollman teaches that is known in the art to have a sliding latch (11) with a hole (30) and a loop (29) directly connected to the loop.

And also, Coultaus teaches that is known in the art to have a sliding latch (A) with a hole and a loop (where pin d is located, Figures 2 and 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a hole with a loop, as taught by Lacey, Dollman or Coultaus, into a device as described by Finch, in order to help in the open movement of the latch.

Response to Arguments

5. Applicant's arguments filed October 9, 2003 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Fisher fails to disclose the invention as claimed in claims 9-11 (Page 4 Line 1), this rejection is withdrawn.

As to applicant's arguments that Recchione or Finch, as modified by Lacey, Dollmann or Coultaus, fails to disclose the invention as claimed in claims 9-11 (Page 5 Line 3), Recchione, as modified by Lacey, Dollmann or Coultaus, discloses the invention as claimed.

Recchione, as described before, only fails to disclose that a loop is connected directly to a hole in the latch. Lacey, Dollmann or Coultaus are used **only** to teach that is known in the art to have a loop connected directly to a hole in a latch.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.


Carlos Lugo

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Examiner
Art Unit 3677

November 5, 2003.


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600